

REMARKS

Claims 1-10 are pending in this application.

The Examiner objected to claims 2 and 4 for alleged informalities. In particular, the Examiner objected to the term "said determination" in these claims for lack of antecedent basis. The Examiner interpreted the claims as reciting "said determining." Applicants respectfully submit that the term "determination" is the proper noun for referring to the earlier recited "determining means for determining" in base claim 1, which is unambiguously referred to in both claims 2 and 4. It is, therefore, respectfully submitted that "said determination" is grammatically the exact terminology, that it has sufficient antecedent basis, and that claims 2 and 4 clearly and distinctly claim the subject matter. Applicants, therefore, request that the Examiner withdraw the objection.

Claims 1-5 and 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,529,159 to Fan et al. in view of U.S. Patent No. 6,047,327 to Tso et al.; and claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fan et al. in view of Tso et al., and further in view of U.S. Patent No. 6,584,320 to Kawamoto. The Examiner's rejections are respectfully traversed.

The Examiner acknowledged that Fan et al. fail to disclose "having the feature automatically distributing," and relied upon Tso et al. as a combining reference that allegedly discloses this feature. Page 5, lines 5-10 of the Office Action.

Fan et al. describe a technique for distributing location-relevant information through a network to a mobile unit according to the location of the mobile unit determined using a global

position system ("GPS"). The system described in Fan et al. includes "providing a GPS position of a client to a server on a data network, and returning location-relevant information by the server based on the specified GPS position." Abstract of Fan et al. Tso et al. describe an "InfoCast" system where information is automatically sent to a user over a network based on "location of the user, the time of day, and the information contained in a user profile." Col. 1, lines 44-52 of Tso et al.

The Examiner cited portions of Fan et al. describing different applications for the system described therein, and portions describing different groups requiring different handling procedures, as alleged disclosure of the claimed information distribution features. Such "different handling procedures" described in Fan et al. merely relate, however, to the different uses of a mobile unit and how its position is tracked. For example, moving companies may track their vehicles differently from taxi companies. See col. 3, lines 11-13 of Fan et al. Or vehicle rental companies may install mobile units for tracking the "speeds and measured positions of these vehicles." Col. 11, lines 3-6 of Fan et al. Or a metropolitan bus company may track its buses to ensure adherence to routes and schedules. Col. 11, lines 6-12 of Fan et al. Or a traveling salesperson may access an itinerary, which may be set before going on a business trip, and further access location-relevant information that is relevant to the itinerary during the trip. Col. 11, lines 13-25 of Fan et al. As such, the "different handling procedures" described in Fan et al. merely relate to the different ways the position information of a mobile unit is used to receive information therefrom or convey "location-relevant" information thereto. Similarly, Tso

et al. describe a technique for sending information to users that is filtered according to the locations of the users. Please see, e.g., col. 14, line 59 to col. 15, line 8 of Tso et al.

As such, a combination of the references would, at most, yield a system that distributes "location-relevant" information based on the tracked location of a mobile unit. The references, as cited and relied upon by the Examiner, do not disclose storing a distribution condition, specified by an information provider, that is independent of the location (or position information) of a mobile unit. Correspondingly, the references do not disclose distributing information based on such a provider-set distribution condition.

The moving and taxi company example cited by the Examiner from Fan et al. still does not meet the claimed invention in that the example is directed to "different handling procedures" for wholly separate tracking applications. The example merely describes the ability of the system to handle such different tracking applications, where the system itself separates the tracking and the information distribution for these separate applications. Thus, the taxi company would not track the locations of the mobile units of the moving company, and vice versa. Indeed, Fan et al. explicitly describe such applications as "grouped separately." See Col. 3, lines 11-13 of Fan et al. Accordingly, there is no reason for either the taxi or the moving company to set any distribution conditions to address the units of the other company.

Thus, even assuming, arguendo, that it would have been obvious to one skilled in the art to combine Fan et al. and Tso et al. at the time the claimed invention was made, the combination would still fail to disclose or suggest,

“a first database for storing contents related to the specific area where the contents distribution service is provided to registered users of the portable mobile terminals;

a second database for storing contents to be distributed which are prepared by an information provider and a distribution condition thereof which is specified by the information provider;

a third database for storing registered users and a receiving condition of the distributed contents which is specified by the registered users;

means for receiving position information from the portable mobile terminals of the registered users;

determining means for determining whether the received position information is located in the specified area stored in the first database; and

content distribution means for automatically distributing the contents to be distributed satisfying the distribution condition stored in the second database and the receiving condition stored in the third database, to the corresponding portable mobile terminals of the registered users located in the specified area which is determined by the determining means,” as recited in claim 1.
(Emphasis added)

Advantageously, the claimed invention provides for a system that allows content providers to program one or more conditions for distributing their location-relevant information to targeted users of mobile units.

Applicants respectfully submit that claim 1, together with claims 2-5 and 8-10 dependent therefrom, is patentable over Fan et al. and Tso et al. for at least the above-stated reasons. The Examiner relied upon Kawamoto as a combining reference to specifically address the additional features recited in claims 6 and 7. As such, the addition of this reference, even if obvious to one skilled in the art, would not have cured the above-stated deficiencies of Fan et al. and Tso et al. with respect to base claim 1. Accordingly, Applicants respectfully submit that claims 6 and 7 are patentable over the cited references for at least the above-stated reasons.

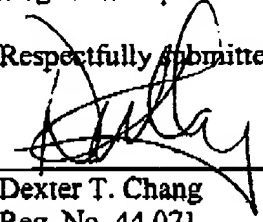
Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

Applicants appreciate the Examiner's implicit finding that the additional U.S. Patent made of record, but not applied, does not render the claims of the present application unpatentable, whether this reference is considered alone or in combination with others.

It is respectfully submitted that the present claims are in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of a Notice of Allowance are respectfully requested.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted



Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304
Telephone: (212) 940-6384
Fax: (212) 940-8986 or 8987
Docket No.: 100794-09740 (FUJA 18.796)
DTC:par